

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEENA CHOKSI and VIKAS CHOKSI,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	16-12340-WGY
RUPAL TRIVEDI, et al.,)	
)	
Defendants.)	
)	

ORDER

YOUNG, D.J.

May 15, 2017

For the reasons set forth below, the Court dismisses this action without prejudice.

On November 18, 2016, Leena Choksi and her adult son Vikas Choksi, filed a self-prepared complaint in which they allege that three individuals--a married couple and their daughter--were responsible for the sexual exploitation and abuse of Vikas Choksi in 1988. The alleged misconduct occurred in India, where all the parties resided at the time; they later moved to the United States.

On April 4, 2017, the Court issues a memorandum and order [#8] directing the plaintiffs to show cause why this case should not be dismissed. The Court explained that, under choice-of-law principles, the law of India governing the statute of limitations and the survival of actions would apply to the plaintiffs' claims. Applying that law, the Court determined that plaintiffs' claims were barred.

The plaintiffs timely filed a show cause response [#10], in

which they represent that they had understood that the claims would be governed by Massachusetts law because the defendants moved to the United States the same calendar year as the abuse occurred in India. The plaintiffs state that they are "withdrawing out" the claim against the parents but that they "need more time to consult lawyers in India to have better understanding about India laws, Jurisdiction and Statue of limitations [sic]." Show Cause Resp., ¶¶ 1-2. They request that, if the Court "still must dismiss the case, please dismiss it without prejudice so we can refile the case after further research." Id. ¶ 3.

The defendants' relocation to the United States in the same calendar year in which the alleged misconduct occurred in India does not alter the Court's choice-of-law analysis. The plaintiffs' show cause response does not provide any justification for keeping this case open for an undetermined amount of time while the plaintiffs obtain legal advice. Accordingly, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), this case is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE